

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN**

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**MATTHEW S. CARLSON,**  
**Petitioner,**

**v.**

**Case No. 06C0481**

**CATHY JESS,**  
**Respondent.**

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**ORDER**

On September 4, 2007, I granted Matthew Carlson's petition for a writ of habeas corpus and ordered respondent to release petitioner within 180 days unless the state decides to retry him. On October 5, 2007, respondent filed a motion to stay execution of the judgment while her appeal is pending. Though Fed. R. App. P. 23(c) creates a presumption that a prisoner ordered released should be released during the pendency of an appeal of such order, Hilton v. Braunskill, 481 U.S. 770, 774 (1987), respondent has shown that petitioner is subject to a twenty-five year consecutive sentence at the completion of his present sentence and petitioner has not opposed respondent's motion.

**THEREFORE, IT IS ORDERED** that respondent's motion is **GRANTED**, and the portion of the September 4, 2007 judgment requiring respondent to release petitioner within 180 days is **STAYED** for the pendency of respondent's appeal.

Dated at Milwaukee, Wisconsin this 8 day of November, 2007.

/s \_\_\_\_\_  
LYNN ADELMAN  
District Judge